

Message Text

CONFIDENTIAL

PAGE 01 BONN 05526 01 OF 02 051027Z

12

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

ACDA-05 SAJ-01 IO-10 NIC-01 SCCT-01 /075 W

----- 005738

P R 051014Z APR 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 9189

INFO AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY LONDON

USMISSION NATO BRUSSELS

USMISSION USBERLIN

AMEMBASSY BERLIN

C O N F I D E N T I A L SECTION 01 OF 02 BONN 05526

E.O. 11652: GDS

TAGS: PFOR, US, UR, GW, WB

SUBJECT: LUNCHEON CONVERSATION WITH SOVIET AMBASSADOR
FALIN

REF: STATE 77578

1. AT HIS REQUEST, I HAD LUNCH ALONE ON APRIL 4 WITH
SOVIET AMBASSADOR FALIN. AFTER A LENGTHY DISCUSSION
OF TRENDS IN MODERN ART ABOUT WHICH HE HAS SOME
DECIDEDLY NEGATIVE VIEWS, FALIN GOT DOWN TO THE PURPOSE
OF HIS INVITATION. HE CATALOGUED THE USUAL SOVIET
COMPLAINTS ABOUT GERMAN ACTIONS WHICH HE ALLEGED WERE
IN VIOLATION OF THE QUADRIpartite AGREEMENT (QA) ON
BERLIN AND INDICATED THAT SOVIET EMBASSY WASHINGTON
WOULD SOON BE APPROACHING THE DEPARTMENT, IF IT HAD
NOT ALREADY DONE SO, TO STATE THE SOVIET POSITION AND
PARTICULARLY TO OBJECT TO GERMAN CONDUCT IN CONNECTION
WITH THE LORENZ KIDNAPPING CASE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 05526 01 OF 02 051027Z

2. FALIN NOTED TWO TENDENCIES BOTH OF WHICH, FROM THE

SOVIET VIEWPOINT, WERE DESTRUCTIVE OF THE QA. THE FIRST WAS THE GERMAN CLAIM THAT THE QA CONFIRMED THE STATUS QUO IN WEST BERLIN. IF THIS HAD BEEN THE CASE, THERE WOULD HAVE BEEN NO NEED FOR AN AGREEMENT AT ALL. IT OBVIOUSLY WAS INTENDED TO MAKE CHANGES IN THE STATUS QUO. THE SOVIETS, FOR EXAMPLE, HAD CEASED TO MAINTAIN THEIR OLD POSITION THAT WEST BERLIN WAS REALLY A PART OF THE GDR, BUT IF THE QA MERELY CONFIRMED THE STATUS QUO, THEN THE SOVIETS LOGICALLY COULD INSIST ON THEIR OLD POSITIONS AS WELL. TO EMPHASIZE THE DEVELOPMENT OF TIES BETWEEN THE FEDERAL REPUBLIC AND WEST BERLIN WITHOUT TAKING ACCOUNT OF THE PROVISION THAT THE WESTERN SECTORS OF BERLIN CONTINUED NOT TO BE A CONSTITUENT PART OF THE FRG AND NOT TO BE GOVERNED BY IT WAS TO DESTROY THE BALANCE OF THE QA.

3. THE SECOND TENDENCY, WHICH HE (FALIN) CONSIDERED EVEN MORE DANGEROUS, WAS THE USE OF SPECIFIC SITUATIONS SUCH AS THE BRUECKMAN CASE AND THE LORENZ KIDNAPPING CASE TO CREATE DE FACTO EXTENSIONS OF FRG JURISDICTION TO WEST BERLIN IN VIOLATION OF THE QA. AS TO THE BRUECKMAN CASE, THE SOVIET UNION COULD NOT UNDERSTAND HOW IT WAS LEGALLY POSSIBLE FOR A FEDERAL COURT IN BERLIN ON THE BASIS OF A LAW PASSED BY THE BUNDESTAG TO OVERRULE A LOCAL BERLIN COURT IN A CRIMINAL CASE. THE LORENZ KIDNAPPING CASE HAS DEMONSTRATED HOW IN PRACTICE THE WEST GERMAN AUTHORITIES WERE PREPARED TO ASSERT DIRECT JURISDICTION IN WEST BERLIN. NOT ONLY HAD THE FULL OPERATION ESSENTIALLY BEEN DIRECTED FROM THE CHANCELLOR'S OFFICE IN BONN, BUT THE FRG FEDERAL PROSECUTOR BUBACK HAD ANNOUNCED WHEN HE ARRIVED IN BERLIN THAT HE WAS TAKING CHARGE OF POLICE ACTIVITIES THERE. THE SOVIETS HAD NOT WANTED TO INTERFERE AT THE TIME WITH WHAT WAS UNDOUBTEDLY AN EMERGENCY AND POLITICALLY HIGHLY CHARGED CASE, BUT THEY COULD NOT HELP BUT NOTE WHAT IN FACT WAS HAPPENING.

4. I REVIEWED THE NEGOTIATING HISTORY OF THE QA WITH PARTICULAR RESPECT TO THE "TIES," "EXISTING PROCEDURES," AND "NOT TO BE GOVERNED BY" THE FRG CLAUSES OF THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BONN 05526 01 OF 02 051027Z

QA. THE QA, IT WAS TRUE, HAD ACHIEVED A CERTAIN BALANCE OF CONFLICTING INTERESTS AND INTERPRETATIONS OF THE STATUS OF BERLIN, AND OUR POSITION WAS THAT A RIGOROUS OBSERVANCE OF THE QA BY ALL PARTIES CONCERNED WAS THE BEST ASSURANCE OF ITS CONTINUING WORKABILITY. THE THREE WESTERN ALLIES, FOR THEIR PART, WERE BEING METICULOUS IN ASSURING THAT WHAT OCCURRED IN WEST BERLIN WAS COMPATIBLE WITH WHAT THEY CONSIDERED TO

BE A REASONABLE INTERPRETATION OF WHAT THE BERLIN
AGREEMENT PERMITTED AND DID NOT PERMIT. IT WAS NOT
A MATTER MERELY OF CONFIRMING THE STATUS QUO, BUT THE
QA CERTAINLY DID CONTEMPLATE THAT ESTABLISHED
PROCEDURES WOULD BE MAINTAINED WITH RESPECT TO THE
APPLICATION IN WEST BERLIN OF LAWS PASSED BY THE

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BONN 05526 02 OF 02 051028Z

20

ACTION EUR-12

INFO OCT-01 ISO-00 L-02 CIAE-00 DODE-00 PM-03 H-02 INR-07

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

ACDA-05 IO-10 SAJ-01 NIC-01 SCCT-01 /075 W

----- 005747

P R 051014Z APR 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 9190

INFO AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY LONDON

USMISSION NATO BRUSSELS

USMISSION USBERLIN

AMEMBASSY BERLIN

C O N F I D E N T I A L SECTION 02 OF 02 BONN 05526

FEDERAL REPUBLIC OR TREATIES CONCLUDED BY THE FEDERAL
REPUBLIC CONTAINING A BERLIN CLAUSE.

5. AS TO THE BRUECKMAN AND LORENZ CASES, THESE HAD
INVOLVED DIFFERING BUT VERY COMPLICATED SETS OF
CIRCUMSTANCES. WE HAD SET FORTH OUR POSITION ON THE
BRUECKMAN CASE IN SOME DETAIL IN RESPONSE TO THE
SOVIET DEMARCHE OF LAST OCTOBER, AND WE FELT THAT THIS
RESPONSE DEMONSTRATED A CONTINUING ALLIED AWARENESS
OF THE NEED TO PREVENT DIRECT OPERATION OF FEDERAL

LAWS IN WEST BERLIN. AS AMBASSADOR FALIN WAS AWARE, I CONTINUED, THE LORENZ CASE HAD COME AS A PROFOUND SHOCK TO WEST BERLIN AND THE FEDERAL REPUBLIC. ACTIONS HAD TO BE IMPROVISED RAPIDLY TO MEET WITH A CHANGING EMERGENCY SITUATION. THE FRG GOVERNMENT WAS INEVITABLY INVOLVED BECAUSE SOME OF THE PRISONERS WHOSE RELEASE WAS DEMANDED WERE IN THE FRG AND THE ESCAPE PLANE HAD TO OPERATE THROUGH THE FRG. HOWEVER, CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 05526 02 OF 02 051028Z

THE ALLIES HAD AGAIN TAKEN EVERY STEP POSSIBLE TO INSURE THAT THE RELEVANT PRESCRIPTIONS OF THE QA WERE OBSERVED. BUBACK'S STATEMENT UPON HIS ARRIVAL IN BERLIN WAS CLEARLY OUT OF PLACE, AND WE HAD NOT HESITATED TO POINT THIS OUT. WE HAD ALSO MADE SURE THAT HIS ACTUAL ROLE WAS AN ADVISORY ONE AND THAT THE WEST GERMAN POLICE BROUGHT TO BERLIN TO ASSIST IN THE EMERGENCY WERE DIRECTLY UNDER ORDERS OF THE POLICE ESTABLISHMENT IN WEST BERLIN AND WERE NOT COMMANDED FROM THE FEDERAL REPUBLIC. IT SEEMED TO ME THAT THE SOVIET UNION IS MUCH TOO MUCH INFLUENCED BY WHAT I COULD ONLY CALL A "CONSPIRACY INTERPRETATION" OF FRG ACTIONS AFFECTING WEST BERLIN. IT SIMPLY DID NOT ACCORD WITH THE FACTS TO THINK THAT THERE WAS A CALCULATED EFFORT, STEP BY STEP, TO UNDERMINE THE QA. IF ONE STARTED WITH SUCH AN ERRONEOUS ASSUMPTION, ONE INEVITABLY ENDED UP WITH ALL SORTS OF FAR-FETCHED CONCLUSIONS ABOUT THE SIGNIFICANCE OF INDIVIDUAL ACTIONS.

6. FALIN SAID HE DID NOT BELIEVE THERE WAS A CONSPIRACY ON THE PART OF THE FEDERAL REPUBLIC, BUT HE FELT THERE WAS A DIRECTIONAL THRUST IN ITS ACTIONS AFFECTING WEST BERLIN. WHAT HAD HAPPENED SO FAR WAS NOT NECESSARILY ALL THAT SIGNIFICANT TAKEN BY ITSELF, BUT IF IT WAS PART OF A COURSE OF ACTION WHICH MIGHT INVOLVE SOME 10 OR 20 OTHER FEDERAL AGENCIES BEING BROUGHT TO THE CITY, THEN QUANTITATIVE CHANGE WOULD TURN TO A QUALITATIVE CHANGE. WEST BERLIN, IN HIS VIEW, WAS STILL AN ESSENTIAL COMPONENT IN THE WHOLE STRUCTURE OF DEVELOPING US-USSR RELATIONSHIPS. IF THIS WERE TRUE, THEN SERIOUS DIFFICULTIES OVER BERLIN COULD AFFECT THAT ENTIRE RELATIONSHIP AND DESTROY THE NECESSARY TRUST BETWEEN THE TWO COUNTRIES ON WHICH IT ALONE COULD BE FURTHER DEVELOPED. IT MIGHT BE NECESSARY, HE THINKS, TO DISCUSS QUADRIPARTITELY THE MEANING IN PRACTICE OF "ESTABLISHED PROCEDURES."

7. COMMENT: FALIN'S APPROACH WAS NOT THREATENING IN ANY IMMEDIATE SENSE, BUT STRESSED THE LONGER RANGE

DANGER IF WHAT THE SOVIETS CONSIDERED VIOLATIONS OF
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BONN 05526 02 OF 02 051028Z

THE QA WERE PERMITTED TO CONTINUE. HIS INFERENCE
THAT THERE WAS NEED FOR FURTHER QA DISCUSSIONS TO WORK
OUT IN MORE CONCRETE TERMS THE IMPLICATIONS OF
"ESTABLISHED PROCEDURES" MAY PRESAGE A SOVIET EFFORT
IN THIS DIRECTION. HE DID NOT, HOWEVER, RISE TO MY
QUESTION ABOUT WHETHER AMBASSADOR ABRASIMOV WOULD BE
BRINGING ANY NEW APPROACHES OR IDEAS TO HIS ASSIGNMENT
AS AMBASSADOR IN EAST BERLIN, BUT HIS FACIAL EXPRESSION AT THE PROS
PECT OF HAVING A NEW
COLLEAGUE WITH PERHAPS ENHANCED RESPONSIBILITIES IN
EAST BERLIN. HE DID ADD THAT HE HAD WORKED BEFORE
WITH ABRASIMOV.
HILLENBRAND

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: KIDNAPPING, DIPLOMATIC DISCUSSIONS, INVITATIONS, BERLIN QUADRIpartite MATTERS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MartinML
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BONN05526
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750118-0833
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750478/aaaactlt.tel
Line Count: 243
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 77578
Review Action: RELEASED, APPROVED
Review Authority: MartinML
Review Comment: n/a
Review Content Flags:
Review Date: 17 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 APR 2003 by BoyleJA>; APPROVED <17 SEP 2003 by MartinML>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LUNCHEON CONVERSATION WITH SOVIET AMBASSADOR FALIN
TAGS: PFOR, US, UR, GE, WB, (LORENZE, PETER)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006